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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff and Respondent, v. ANDREW JACKSON MOORE, Defendant and Movant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **PLAINTIFF SUNBELT TOWING INC. DBA WESTERN TOWING'S NOTICE OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing:** **October 14, 2008** **Time:** **11:00 AM** Notice of Removal: August 7, 2008

PLEASE TAKE NOTICE that on October 14, 2008 at 11:00 a.m., in Department 4 of the above-entitled Court, Plaintiff SUNBELT TOWING, INC. dba WESTERN TOWING ("WESTERN"), will and hereby does move the Court for an order for Remand in Response to the Notice of Removal filed by Defendant ANDREW MOORE ("MOORE") on or about August 7, 2008. This motion is based on the grounds that there is no Federal Question presented by WESTERN, there is no diversity between the parties and the amount in controversy does not exceed $75,000. This Motion seeks sanctions against MOORE for frivolous notice of removal for improper procedural conduct.

Said Motion will be based upon this Notice of Motion, the Points and Authorities filed and served herewith, the Declaration of Michelle I. Morelli, the complete files and records of this case and any other oral or documentary evidence the Court chooses to receive at the time of the hearing.

DATED: September 5, 2008

FREDRICKSON, MAZEIKA & GRANT, LLP

By:________________________

Michelle I. Morelli, Esq.
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dba WESTERN TOWING

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff and Respondent, v. ANDREW JACKSON MOORE, Defendant and Movant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **PLAINTIFF SUNBELT TOWING INC. DBA WESTERN TOWING'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF MOTION FOR REMAND IN OBJECTION AND OPPOSITION TO NOTICE OF REMOVAL STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing:** **October 14, 2008** **Time:** **11:00 AM** Notice of Removal: August 7, 2008

COMES NOW Plaintiff SUNBELT TOWING, INC. dba WESTERN TOWING ("WESTERN") and respectfully submits this Motion to Remand in Objection and Opposition to the Notice of Removal filed by Defendant ANDREW MOORE ("MOORE") on or about August 7, 2008.

STATEMENT OF FACTS/BACKGROUND

On or about December 20, 2007 WESTERN responded to a call from 32nd Street Naval Base Parking Facility requesting the impound of a 1991 Grey Volvo, License No. 5121BDP ("subject vehicle"). According to base personnel, the vehicle was illegally parked. WESTERN responded to the call and upon obtaining the necessary wet signature in conformance with California Vehicle Code § 22658, WESTERN impounded the subject vehicle.

The vehicle in question was stored at WESTERN's impound lot at 4370 Pacific Highway, San Diego, CA 92101. Upon ascertaining the identity of the registered owner of the vehicle, notice of lien sale was sent to Andrew Jackson MOORE on or about December 26, 2007 via certified mail in compliance with California Civil Code § 3072. MOORE did not respond to the notice of lien sale, and eventually WESTERN received authorization from the DMV to sell the vehicle at auction. WESTERN also filed a small claims action against MOORE to collect the tow and storage fees amounting to $2,499.00 at the time of the relevant small claims hearing. MOORE did not show up for the hearing and the court granted judgment in favor of WESTERN for the tow/storage fees due, as well as costs of suit in the amount of an additional $80.00 for a total judgment of $2,579. Notice of Entry of Judgment was filed on or about May 12, 2008, and served on MOORE on or about May 12, 2008.

On or about August 7, 2008, MOORE filed a Notice of Removal to this Court without citing a State Court Case No. for reference. *See,* Exh. I. Subsequently, on or about August 11, 2008 MOORE filed a "Motion for Summary Judgment and Alternative Motion to Quash Summons and Complaint." *See,* Exh. K.

This motion for remand follows MOORE's procedurally and substantively defect attempt to remove WESTERN's case against MOORE to Federal Court.

ARGUMENT

A. WESTERN IS ENTITLED TO REMAND BECAUSE THIS COURT DOES NOT HAVE SUBJECT MATTER JURISDICTION & MOORE'S REMOVAL PROCEDURE WAS DEFECTIVE

Remand may be ordered either for lack of subject matter jurisdiction or for any defect in the removal procedure. *See,* 28 USC § 1447(c). As established conclusively below, this Court does not have subject matter jurisdiction over WESTERN's underlying claim against MOORE, and MOORE's removal procedure was defective.

B. MOORE'S NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE

The notice of removal must contain a short and plain statement of the grounds for removal. *See,* 28 USC § 1446(a). MOORE's notice does not plainly state the grounds for removal and has provided inadequate notice to the Plaintiff WESTERN of same. The Civil Cover Sheet provided by MOORE does not specify a basis of jurisdiction, or the nature of suit. *See,* Exh. I. Further, the Civil Cover Sheet does not identify the nature of suit in Section IV, and does not state any U.S. Civil Statute under which MOORE has grounds for removal in Section VI. MOORE fails to specify what is requested in the Complaint at Section VII, or to identify the related state court action in Section VIII. His notice of removal is therefore entirely defective.

C. THIS COURT DOES NOT HAVE SUBJECT MATTER JURISDICTION OVER THE PENDING MATTER

Removal jurisdiction is governed by 28 USC §§ 1441, et seq. The propriety of removal depends on whether the case originally could have been filed in federal court. *City of Chicago v. International College of Surgeons* (1997) 522 U.S.156, 163. Further, the removal statutes are construed restrictively so as to limit removal jurisdiction and doubts as to removability are resolved in favor of remanding the case to the state court. *Gaus v. Miles, Inc.* (9th Cir. 1992) 980 F.2d 564, 566. The case filed in State Court in California, San Diego County, Small Claims Division, by WESTERN, and against MOORE could not have been brought in federal court, and defendant MOORE does not have legal grounds for removal.

1. There is No Federal Question Presented by Plaintiff's Case

The defendant seeking removal of an action has the burden of establishing grounds for federal jurisdiction in the case, and demonstrating he has complied with the procedural requirements for removal. *California ex rel. Lockyer v. Dynegy, Inc.* (9th Cir. 2004 375 F.3d 831, 838. Here, MOORE has not and cannot meet either burden.

Whether a claim arises under federal law for removal purposes is determined by the same well-pleaded complaint rule that determined original federal question jurisdiction. *Rivet v. Regions Bank of Louisiana* (1998) 522 U.S. 470 475. Here, defendant MOORE has not alleged, nor provided any basis for removal of WESTERN's small claims complaint against MOORE.

WESTERN's claim is merely derived from a statute statutory right to collect towing and lien fees from MOORE and has no basis in federal law. Where, as here, Plaintiff has alleged only state law claims, no grounds for removal exists. *Rains v. Criterion Systems, Inc.* (9th Cir. 1996) 80 F.3d 339, 344.

2. There is No Diversity Between the Parties

Cases cannot be removed on the basis of diversity if any defendant joined and served lives in the forum state. *See,* 28 USC § 1441(b). Where the complaint does not disclose the citizenship of each party and the amount in controversy, these jurisdictional facts must be set forth in defendants notice of removal. *See,* 130 FRD 46. Here, on his Civil Case Cover Sheet, Defendant Moore has acknowledged he is a resident of the County of San Diego, State of California. *See,* Exh. _. He has also acknowledged that WESTERN is a business incorporated in and with its principal place of business in the County of San Diego, State of California. *See,* 28 USC § 1332(c). Therefore, no diversity jurisdiction exists.

3. The Amount in Controversy Does Not Exceed $75,000

To be removable on diversity grounds, it must be ascertainable that the amount in controversy exceeds minimum federal jurisdiction. The amount is tested at the time of removal, not as increased or decreased due to later events. *Meritcare, Inc. v. St. Paul Mercury Ins. Co.* (3rd Cir. 1999) 166 F.3d 214, 217-218. The judgment previously issued by the State small claims court in favor of WESTERN and against MOORE was for Two Thousand Four Hundred Ninety-Nine Dollars ($2,499.00). MOORE has not alleged any additional amount in controversy. His notice of removal is therefore defective.

To avoid remand, a defendant must prove to a legal certainty that opposing counsel is falsely assessing the case or is incompetently doing so where the state court complaint specifically seeks less than $75,000. *Guglielmino v. McKee Foods Corp.* (9th Cir. 2007) 506 F.3d 696. To meet this burden defendant must provide admissible evidence establishing that it is more likely than not that the amount in controversy exceeds $75,000. *Valdez v. Allstate Ins. Co.* (9th Cir. 2004) 372 F.3d 1115, 1117. Defendant MOORE has not even alleged the amount in controversy exceeds $75,000, let alone offered any admissible evidence of same.

D. MOORE HAS WAIVED HIS RIGHT TO REMOVE THE STATE COURT ACTION

28 USC § 1146(b) mandates that a "notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter." Absent timely filing of said notice of removal, Defendant's right to remove the case is waived. *Goldberg v. CPC Int'l, Inc.* (ND CA 1980) 495 F.Supp. 233, 236-237.

Here, WESTERN's small claims complaint was filed on February 4, 2008, and MOORE was served within 15 days of the hearing thereon.[1] He did not participate in the action, and on or about April 25, 2008 the California State Court mall Claims Division entered a judgment against MOORE and in favor of WESTERN in the amount of $2,579.00. MOORE was served with the notice of entry of judgment on or about May 12, 2008.

MOORE did not file his Notice of Removal until August 7, 2008. WESTERN was served with the Notice of Removal on August 7, 2008. This date was long past 30 days after MOORE's receipt of WESTERN's small claims complaint, and even more than 30 days after the notice of entry of judgment had been entered. MOORE has therefore waived his right to attempt to request removal.

E. ASSUMING MOORE'S BASIS FOR REMOVAL IS AN UNSPECIFIED MARITIME PROVISION, THIS IS AN INSUFFICIENT BASIS FOR REMOVAL

WESTERN admittedly has had trouble deciphering MOORE's alleged basis for removal, and does not believe that MOORE's notice is sufficient, nor is there any basis for removal given the claim stated by WESTERN on the face of its small claims complaint. That noted, MOORE appears to be requesting relief "under special Maritime Extra-territory Jurisdictional Proceeding or some contract or Affraightment". WESTERN is uncertain what, if any, statutory basis this request is derived from, but requests the Court take note that even Admiralty actions may be brought in state

[1] The 30-day notice period beings to run immediately upon service of the complaint. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.* (1999) 526 U.S. 344, 354.

court under 28 USC § 1331, and those claims are not removable under 28 USC § 1441 absent some other basis for jurisdiction (federal question or diversity). *Morris v. Princess Cruises, Inc.* (9th Cir. 2001) 236 F.3d 1061, 1069.

F. WESTERN REQUESTS THE COURT ORDER MOORE TO PAY WESTERN'S COSTS & FEES INCURRED AS THE RESULT OF REMOVAL, AS WELL AS SANCTIONS FOR HIS FRIVOLOUS ATTEMPT AT REMOVAL

On granting a motion for remand, the court may order the defendant to pay plaintiff its just costs and any actual expenses including attorney fees, incurred as the result of the removal. *See,* 28 USC § 1447(c); *Martin v. Franklin Captial Corp.* (2005) 546 U.S. 132, 136. The statutory purpose is to deter the possibility of abuse, unnecessary expense and harassment if a defendant removes improperly. *Circle Industries USA, Inc. v. Parke Const. Group, Inc.* (2nd Cir. 1999) 183 F.3d 105, 109. In deciding whether an award is just under § 1447(c), the key factor is the propriety of the removal. *Martin, supra,* 546 U.S. at 136.

In addition to the fees and costs which may be awarded under § 1447(c), Federal Rule of Civil Procedure Rule 11 provides that the signature on the removal notice constitutes a certificate that to the best of the person's knowledge, information, and belief formed after an inquiry reasonable under the circumstances the matters stated therein are supportable by fact and law. *See,* 28 USC § 1146(a); *McKinney v. Board of Trustees of Maryland Comm. College* (4th Cir. 1992) 955 F.2d 924, 928.

A cursory review of the requirements for removal would and should have apprised MOORE that he had no substantive or procedural basis for filing a notice of removal on or about August 7, 2008. No "reasonable" explanation is set forth in MOORE's Notice of Removal, and absent a valid explanation satisfactory to the Court, WESTERN believes MOORE should be ordered to pay WESTERN's costs and fees associated with the removal, as well as sanctions for MOORE's frivolous conduct.

WESTERN has incurred $1,715.00 in costs and fees in opposing the removal. In addition, MOORE prematurely and inappropriately filed a motion to quash and motion for summary judgment before WESTERN could even respond to the removal so WESTERN has needlessly incurred $1,715.00 in fees and costs opposing those other frivolous motions until such time as WESTERN's Motion for Remand can be heard. WESTERN anticipates an addition $525.00 will be spent in fees and costs attending hearings on the aforementioned motions. WESTERN therefore requests this Court order MOORE to pay fees and costs to WESTERN in the amount of $2,240.00, and any additional amount in sanctions this Court feels appropriate.

DATED: September 5, 2008

FREDRICKSON, MAZEIKA & GRANT, LLP

By: ______________________
Michelle I. Morelli, Esq.
Attorney for Plaintiff,
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dba WESTERN TOWING

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff, v. ANDREW JACKSON MOORE, Defendant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **DECLARATION OF MICHELLE I. MORELLI IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing: October 14, 2008** **Time: 11:00 AM** Notice of Removal: August 7, 2008

I, MICHELLE I. MORELLI, declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California and before this Federal District Court and an associate of the law firm of Fredrickson, Mazeika & Grant, LLP, attorneys of record for Plaintiff SUNBELT TOWING, INC. dba WESTERN TOWING ("WESTERN"). I have personal knowledge of the matters stated herein and if called as witness, could and would competently testify thereto.

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2. On or about August 7, 2008 ANDREW MOORE filed a Notice of Removal to this court without citing a State court Case No. for reference. A true and correct copy of the Notice of Removal is submitted herewith as "Exhibit I".

3. On or about August 11, 2008 MOORE filed a "Motion for Summary Judgment and Alternative Motion to Quash Summons and Complaint." This motion is a matter of record previously filed with this court.

4. The rate at which I bill is $175.00 an hour. These rates are customary and reasonable in the County of San Diego.

5. I spent .5 hours reviewing the notice of removal.

6. I spent .6 Hours preparing the notice of Motion to Remand.

7. 2.4 hours were spent to prepare the Points and authorities in support of the Motion to Remand.

8. .9 Hours were spent preparing this declaration in support of the motion to remand.

9. 1.1 Hours were spent to prepare the Index of Exhibits in Support of the Motion to Remand.

10. 1.3 Hours were spent to prepare the Request for Judicial Notice in Support of the Motion to Remand.

11. I worked a total of 6.8 hours on the Motion to Remand and anticipate on spending another 3 hours attending the hearings related thereto. My total attorney fees billed for the motion are $1,715.00 or an amount determined to be reasonable by this Court. My services in this matter were all reasonable and necessary.

I declare, under penalty of perjury of the laws of the State of California, that the foregoing is true and correct, and that this declaration is executed this 5th day of September 2008, at San Diego California.

MICHELLE I. MORELLI

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff and Respondent, v. ANDREW JACKSON MOORE, Defendant and Movant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **DECLARATION OF LOU DUCHENE IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing: October 14, 2008** **Time: 11:00 AM** Notice of Removal: August 7, 2008

I, LOU DUCHENE, declare as follows:

1. I am now, and was at all times relevant to the pending litigation, the Risk Manager of SUNBELT TOWING, INC. dba WESTERN TOWING, ("WESTERN"), a California corporation. I have personal knowledge of the matters stated herein and if called as witness, could and would competently testify thereto.

2. On or about December 20, 2007 WESTERN responded to call from 32nd Street Naval Base parking facility requesting that it impound a 1991 Grey Volvo 740 bearing California

License No. 5121BDP ("subject vehicle"). Base personnel reported the subject vehicle as illegally parked and requested that WESTERN impound it. WESTERN responded to the call and upon obtaining the necessary wet signature in conformance with California Vehicle Code § 22658, WESTERN impounded the subject vehicle. The impound of the subject vehicle was authorized by Mary Milkie, CPL. A true and correct copy of WESTERN's Impound Slip and WESTERN's Vehicle Impound Report for the subject vehicle are submitted herewith as "Exhibit A" and "Exhibit B", respectively.

3. The subject vehicle was towed and stored at WESTERN's impound lot in Chula Vista. Upon ascertaining the identity of the registered owner of the vehicle, notice of lien sale was sent to ANDREW JACKSON MOORE ("MOORE") on or about December 26, 2007 via certified mail in compliance with California Civil Code § 3072. A true and correct copy of the Notice of Lien Sale served on Mr. MOORE is submitted herewith as "Exhibit C".

4. MOORE filed opposition to the lien sale with the Department of Motor Vehicles ("DMV"), and subsequently the DMV provided WESTERN with a written list of options, including filing a small claims action against MOORE to recoup sums due for the impound and storage of his vehicle. A true and correct copy of the Written Instructions WESTERN received from the DMV is submitted herewith as "Exhibit D".

5. Pursuant to the options provided by the DMV, WESTERN also filed a small claims action against MOORE to collect the tow and storage fees amounting to $2,499.00, and hearing was set for March 18, 2008. A true and correct copy of Plaintiff's Claim and Order to go to Small Claims Court is submitted herewith as "Exhibit E".

6. On or about February 29, 2008, after receiving Plaintiff's Claim and Order, MOORE filed a request for continuance of small claims trial, and the trial was continued to April 25, 2008. A true and correct conformed copy of MOORE's Request for Reset or Continuance of Small Claims Trial is submitted herewith as "Exhibit F".

7. On April 25, 2008 I attended the Small Claims Trial on behalf of WESTERN. MOORE failed to appear at the hearing, and the court granted judgment in favor of WESTERN for the tow and storage fees due, as well as costs of suit in the amount of $80.00, for a total judgment of

$2,579.00.

8. A Notice of Entry of Judgment was filed on or about May 12, 2008. Mr. Moore received the Notice of Entry of Judgment on or about June 13, 2008. The Notice to the Judgment Creditor that accompanied the Notice of Entry of Judgment specifically advised MOORE that before he could appeal, he would be required to file a Notice of Motion to Vacate Judgment and Declaration. No such notice of Motion has ever been received by WESTERN. A true and correct copy of the Notice of Entry of Judgment, and Notice to the Judgment Debtor (signed by MOORE) are submitted herewith collectively as "Exhibit G".

9. Thereafter, WESTERN received Notice of Hearing indicating that MOORE had filed a notice of appeal of the small claims judgment, and trial de novo had been set in the State Superior Court on August 8, 2008. A true and correct copy of the Notice of Hearing received from the State Court is submitted herewith as "Exhibit H".

10. On August 8, 2008 I appeared for trial de novo in the State Superior Court. At that time, MOORE handed the judge some papers and it was my understanding that the judge indicated he could not hear the case at that time because of the Notice of Removal that had been filed by MOORE a day earlier.

11. I was then provided papers by MOORE which indicated he had filed a Notice of Removal with this Court on August 7, 2008, one day before the trial de novo. A true and correct copy of the Civil Cover Sheet and Notice of Removal State Court Civil Proceeding filed by MOORE is submitted herewith as "Exhibit I".

12. On or about August 12, 2008 I received via mail service a copy of MOORE's "Motion for Summary Judgments and Alternative Motion to Quash Summon/Complaint Alternative Order to Show Cause why the Complaint should not be Dismiss With Prejudice". These documents have been filed with the Court and are not submitted herewith as Exhibits.

13. On or about August 26, 2008 I received a Notice of Hearing from the State Superior Court indicating the trial de novo had been rescheduled for October 3, 2008. A true and correct copy of the Notice of Hearing is submitted herewith as "Exhibit J".

I declare, under penalty of perjury of the laws of the State of California, that the foregoing is true and correct, and that this declaration is executed this 29th day of August, 2008 at San Diego, California.

LOU DUCHENE

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff, v. ANDREW JACKSON MOORE, Defendant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **PLAINTIFF, SUNBELT TOWING, INC. dba WESTERN TOWINGS'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing:** **October 14, 2008** **Time:** **11:00 AM** Notice of Removal: August 7, 2008

Respondent SUNBELT TOWING, INC. dba WESTERN TOWING ("WESTERN"), by and through its attorneys of record, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following documents submitted herewith in support of WESTERN's Motion for Remand.

Exhibit C: Submitted herewith as "Exhibit C" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of the Notice of Lien Sale served on ANDREW JACKSON MOORE ("MOORE") on or about December 26, 2007.

WESTERN requests this Court take judicial notice of the existence of Exhibit C pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.*" Exhibit C is a document filed with a public agency, the veracity of which is capable of immediate and accurate determination upon authentication by the Department of Motor Vehicles' Lien Sale Section. Further, WESTERN has attached and submitted a United States Postal Service-stamped certificate of mailing to MOORE in the pending action.

A Copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand because it provides necessary evidentiary support to create a triable issue of fact regarding WESTERN's compliance with California Civil Code § 3072.

Exhibit D: Submitted herewith as "Exhibit D" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand in is a true and correct copy of the Written Instructions WESTERN received from the California Department of Motor Vehicles, dated January 15, 2008.

WESTERN requests this Court take judicial notice of the existence of Exhibit D pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.*" Exhibit D is a document issued by a public agency, the veracity of which is capable of immediate and accurate determination upon authentication by the Department of Motor Vehicles' Lien Sale Section.

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

Exhibit E: Submitted herewith as "Exhibit E" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of Plaintiff's Claim and Order to go to Small Claims Court, dated February 4, 2008.

WESTERN requests this Court take judicial notice of the existence of Exhibit E pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned*." Exhibit E is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by San Diego Superior Court (Small Claims). Further, MOORE has previously acknowledged the authenticity of this document by filing it with the Court with his notice of removal on or about August 7, 2008.

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

Exhibit F: Submitted herewith as "Exhibit F" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of MOORE's Request for Reset or Continuance of Small Claims Trial, dated February 29, 2008.

WESTERN requests this Court take judicial notice of the existence of Exhibit F pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned*." Exhibit F is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by San Diego Superior Court (Small Claims).

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A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

Exhibit G: Submitted herewith as "Exhibit G" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of the Notice of Entry of Judgment, and Notice to the Judgment Debtor (signed by MOORE June 13, 2008).

WESTERN requests this Court take judicial notice of the existence of Exhibit G pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.*" Exhibit G is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by San Diego Superior Court (Small Claims).

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

Exhibit H: Submitted herewith as "Exhibit H" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of the Notice of Hearing re: Trial De Novo August 8, 2008, received by WESTERN from the State Court; and Data Sheet for Small Claims Appeals.

WESTERN requests this Court take judicial notice of the existence of Exhibit H pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose* *accuracy cannot be reasonably questioned.*" Exhibit H is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by San Diego Superior Court.

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

Exhibit I: Submitted herewith as "Exhibit I" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of the Civil Cover Sheet and Notice of Removal State Court Civil Proceeding filed by MOORE on or about August 7, 2008.

WESTERN requests this Court take judicial notice of the existence of Exhibit I pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.*" Exhibit I is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by this Court.

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether this matter was properly removed from State Court.

Exhibit J: Submitted herewith as "Exhibit J" to Respondent's Index of Exhibits in Support of Respondent WESTERN's Motion for Remand is a true and correct copy of the Notice of Hearing re: Trial De Novo October 3, 2008 received by WESTERN from the State Court.

WESTERN requests this Court take judicial notice of the existence of Exhibit J pursuant to Federal Rule of Evidence § 201, subsection (b) provides: a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) *capable of accurate and ready determination by resort to sources whose* *accuracy cannot be reasonably questioned.*" Exhibit J is a public record, the veracity of which is capable of immediate and accurate determination upon authentication by San Diego Superior Court.

A copy of the aforementioned exhibit is attached to the Index of Exhibits submitted concurrently herewith by WESTERN. The item requested to be noticed is relevant to the Motion for Remand filed by WESTERN because it provides necessary evidentiary support to create a triable issue of fact regarding whether the matter pending before this Court has 1) already been adjudicated by, and/or (2) is subject to the exclusive jurisdiction of the California State Courts.

MEMORANDUM OF POINTS & AUTHORITIES

Documents such as those requested above under Exhibits C – J plainly are the type of documents that are judicially noticeable by this Court, and WESTERN submits that good cause has been demonstrated for its request for judicial notice to be granted.

Accordingly, Respondent WESTERN respectfully requests that this Court take judicial notice of the documents requested herein, outlined and attached to the Index of Exhibits concurrently filed herewith.

DECLARATION OF MICHELLE I MORELLI

I, MICHELLE I MORELLI, declare as follows:

1. I am an attorney at law, duly licensed to practice in the State of California, and an associate of the law firm of Fredrickson, Mazeika & Grant, LLP, attorneys of record for Respondent WESTERN. Either I have personal knowledge of the matters stated herein or, as stated below, am informed and believed thereto, and if called as witness, could and would competently testify thereto.

2. Each of the documents attached to the Index of Exhibits, and for which judicial notice is requested as Exhibits C – J is a true and correct copy of the document it is represented to comprise.

I declare, under penalty of perjury of the laws of the State of California, that the foregoing is true and correct, and that this declaration is executed this 5th day of September 2008, at San Diego, California.

MICHELLE I. MORELLI

Timothy J. Grant, Esq. #122593
Michelle Morelli, Esq. #211940
FREDRICKSON, MAZEIKA & GRANT, LLP
5720 Oberlin Drive
San Diego, CA 92121
Tel: (858) 642-2002 • Fax: (858) 642-2001

Attorneys for Plaintiff and Respondent,
SUNBELT TOWING, INC. dba WESTERN TOWING

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff, v. ANDREW JACKSON MOORE, Defendant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **PLAINTIFF, SUNBELT TOWING, INC. dba WESTERN TOWINGS'S INDEX OF EXHIBITS IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES** **Hearing:** **October 14, 2008** **Time:** **11:00 AM** Notice of Removal: August 7, 2008

Plaintiff SUNBELT TOWING, INC. dba WESTERN TOWING ("WESTERN") hereby lodges the following documents in support of its Motion for Remand.

The documents being lodged with the Court are described as follow:

Exhibit A: A true and correct copy of WESTERN's Impound Slip dated December 20, 2007;

Exhibit B: A true and correct copy of WESTERN's Vehicle Impound Report dated December 20, 2007;

Exhibit C: A true and correct copy of the Notice of Lien Sale served on Mr. MOORE on or about December 26, 2007;

Exhibit D: A true and correct copy of the Written Instructions WESTERN received from the DMV, dated January 15, 2008;

Exhibit E: A true and correct copy of Plaintiff's Claim and Order to go to Small Claims Court, dated February 4, 2008;

Exhibit F: A true and correct conformed copy of MOORE's Request for Reset or Continuance of Small Claims Trial, dated February 29, 2008;

Exhibit G: A true and correct copy of the Notice of Entry of Judgment, and Notice to the Judgment Debtor (signed by MOORE June 13, 2008);

Exhibit H: A true and correct copy of the Notice of Hearing re: Trial De Novo August 8, 2008, received by WESTERN from the State Court; and Data Sheet for Small Claims Appeals;

Exhibit I: A true and correct copy of the Civil Cover Sheet and Notice of Removal State Court Civil Proceeding filed by MOORE on or about August 7, 2008;

Exhibit J: A true and correct copy of the Notice of Hearing re: Trial De Novo October 3, 2008 received by WESTERN from the State Court;

Exhibit K: A true and correct copy of the Motion for Summary Judgment and Alternative Motion to Quash summons and Complaint;

Exhibit L: A true and correct copy of the Declaration of Lou Duchene in Support of Opposition to Motion for Summary Judgment and Alternative Motion to Quash Summons/Complaint and Alternative Order to Show Cause why the Complaint Should not Dismiss with Prejudice.

DATED: September 5, 2008

FREDRICKSON, MAZEIKA & GRANT, LLP

By: ______________________
Michelle I. Morelli, Esq.
Attorney for Plaintiff,
SUNBELT TOWING, INC.
dba WESTERN TOWING

EXHIBIT A

(A)

Western Towing Service (619) 297-8497 Private W/T Ref#: 250491

08-D177
1-28

☐ Hold: ________ Case#: ________ Lien#: ________ Date: 12-20-07
Agency: ________ Vehicle Code: ________ Class Code: ________ Lot: CV
Driver: 34 Truck: 63 Patrolled By: ________ Truck: ________ Time Off Property: 11:33
Address: 32nd St Naval Base Parking Lot 42 Hourly Time: Beg: ________ End: ________ Complex: ________
State: CA Plate: 5121BDP VIN: YV1FA8842M2503546
Year: 1991 Make: Volvo Model: 740 Color: Grey Odometer: ________

REASON FOR REMOVAL

☐ Fire Lane ☐ Tenant/Guest ☐ Permit-No/Invalid/Exp ☐ Handicap ☐ Over Time Limit
☐ Abandoned ☐ Non-Cust/Res ☐ Reg. Not Displayed ☐ Double Park ☐ No Parking Zone
☐ Accident ☐ Non-Operable ☐ No Street Parking ☐ Two Spaces ☐ Office Parking
☒ Other: illegally parked Blocking: ________ Space#: ________

Photo: √ One
☐ Digital
☐ Polaroid

POSTED P S

Reason For Dollies: ________

☐ FWDNI ☐ RWD&T ☐ AWD

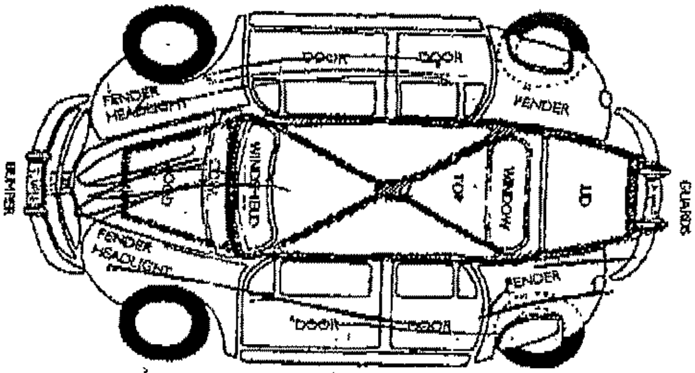
Reported To:
Agency: ________ Time: ________ Name: ________

Vehicle Condition Report
Previous Damages

☒ Radio
CD/Tape
☐ Faceplate

☐ 2 Door
☒ 4 Door
☐ Battery
☐ Ignition
Personal Items ☐ Removed
1. ________
2. ________
3. ________
☐ Keys

☒ Tires
☐ Mag Wheels
☐ Hub Caps
☒ Locked
☐ Unlocked
☐ Antenna



I Certify, Under Penalty Of Perjury, That I Am The Owner/Agent Of Said Property & Pursuant To CA Vehicle Code#22658A, Do Hereby Authorize Removal Of Above Vehicle.
Signature – Owner or Agent – Private Property

X________ ☐ SOF

Print Name: ________ ☐ Patrol

Title/Agency: ________ Apt# ________

Phone#: ________ Citation#: ________

Hookup:	$ 124.00
Dolly:	$ 40.00
Lien:	$ 35
Admin.:	$
NIP:	$
STOP:	$
Citation:	$
Mileage:	$
Other:	$

DEC 26 2007

EXHIBIT B

(B)

VEHICLE IMPOUNDMENT REPORT

PART I - IDENTIFICATION

1. VEHICLE IDENTIFICATION

a. MAKE	b. MODEL	c. YEAR	d. COLOR	e. VEHICLE IDENTIFICATION NO.
VOLVO	740	91	GRAY	YV1FA8842M2503546

f. VEHICLE LICENSE (1) NUMBER	(2) STATE	(3) YEAR	g. MILEAGE	h. DECAL NO.
212L8DP	CA	2008		OMV106

2. REGISTERED OWNER	3. VEHICLE OPERATOR
a. NAME (Last, First, Middle Initial) MOORE, ANDREW	a. NAME (Last, First, Middle Initial)
b. ADDRESS (Street, Apartment Number, City, State and ZIP Code) 7107 BROADWAY AVE #277 LEMON GROVE, CA 91945	b. ADDRESS (Street, Apartment Number, City, State and ZIP Code)
c. ORGANIZATION / d. TELEPHONE NUMBER (Include Area Code)	c. ORGANIZATION / d. TELEPHONE NUMBER (Include Area Code)

PART II - DESCRIPTION

4. REASON FOR IMPOUNDMENT (X all that apply)

	ACCIDENT		ABANDONED
	BURNED		ILLEGALLY PARKED
	DWI		STOLEN
X	OTHER (Specify)		

5. DAMAGE TO VEHICLE

EXAMPLE — a. SHADE DAMAGED AREA OF VEHICLE (FRONT)

6. CONDITION OF VEHICLE WHEN IMPOUNDED (X all that apply)

	DOOR LOCKED		DOOR UNLOCKED
	TRUNK LOCKED		TRUNK UNLOCKED
	KEYS IN CAR		KEYS MISSING
	OTHER (Specify)		

b. X ALL THAT APPLY

Intact	Missing		Intact	Missing	
X		ENGINE			BATTERY
X		MIRROR(S)			JACK
		LUG WRENCH	X		RADIO
		TAPE DECK			SPARE WHEEL/TIRE
X		LR WHEEL/TIRE	X		RR WHEEL/TIRE
X		RF WHEEL/TIRE	X		LF WHEEL/TIRE
		WHEEL COVERS			CB RADIO

7. LOCATION OF VEHICLE

Parking LOT 4Z

8. CONDITION OF VEHICLE (Attach additional pages if more space is needed.)

OK

9. PERSONAL PROPERTY CONTAINED IN VEHICLE (Attach additional pages if more space is needed.)

Various PAPERS, Book

10. REMARKS (Attach additional pages if more space is needed.)

PART III - DISPOSITION

11. DATE IMPOUNDED (YYYYMMDD)	12. TIME IMPOUNDED
2007/12/20	1120

14. TOWED AT: Western Towing

15. STORED AT: Western Towing

13. REPORTED BY

a. NAME (Last, First, Middle Initial)	b. RANK	c. DATE
MILKIE, MARY	CPL	12/20/07

d. ORGANIZATION: CNRSW — e. SIGNATURE: Mary Milkie

16. WITNESSED BY

a. NAME (Last, First, Middle Initial)	b. RANK	c. DATE
Duran Mark		12-20-07

d. ORGANIZATION — e. SIGNATURE: Mark Duran

17. RELEASED BY

a. NAME (Last, First, Middle Initial)	b. RANK	c. DATE

d. ORGANIZATION — e. SIGNATURE

DD FORM 2506, MAY 2000 PREVIOUS EDITION IS OBSOLETE.

*U.S. GPO: 2003-561-000/55118

FROM : CHULA VISTA LOT WESTERN TOWING FAX NO. :6194253321 Dec. 20 2007 12:34PM P1

EXHIBIT C

08/0177
Ref: V25?491

NOTICE OF PENDING LIEN SALE FOR VEHICLE VALUED $4000 OR LESS

(Civil Code Section 3072)

Certified to DMV # 7006 2760 0003 610293

TO WHOM IT MAY CONCERN:
This is to notify you that I intend to sell this vehicle at a Lien Sale (public sale) because my towing, storage or repair bill has not been paid. You may wish to take one of the following actions:

1. Pay my bill and reclaim the vehicle before the sale date.
2. Stop the Sale and dispute the lien in court. You may stop the sale by completing the Declaration of Opposition below and forward this notice to the DMV in the enclosed envelope within 10 days of the date this notice was mailed.
3. Disregard this notice if you no longer own or want this vehicle so I can proceed with the sale. However, if you are the last owner of record, you may be liable for removal and disposition costs and lien not satisfied by sale of the vehicle.

NOTE TO THE LIENHOLDER:
This notice is to be sent to the registered owner, legal owner, Department of Motor Vehicles, and any other person interested in this vehicle, 31 to 41 days before the date of sale (do not count day notice mailed). Send notice certified mail, return receipt requested, or U.S. Postal Service Certificate of Mailing.

EXCEPTION: Notice to the department must be sent by certified mail, return receipt requested.

At least 10 days before the sale, a copy of this notice shall be posted in a conspicuous place on the premises of the business office of the lienholder and if the sale occurs at a place other than the business office, a notice must be posted at the site of the forthcoming sale.

VEHICLE DESCRIPTION

LICENSE NUMBER	STATE REGISTERED	LICENSE EXPIRATION DATE	VEHICLE IDENTIFICATION NUMBER (VIN)
5121BDP	CA	04/26/08	YV1FA8842M2503546

MAKE	YEAR	MODEL	BODY TYPE	ENGINE NUMBER (MOTORCYCLES ONLY)
VOLVO	1991	740 SERIES	4D	

INFORMATION ABOUT MY LIEN

DATE VEHICLE CAME INTO MY POSSESSION	DATE OWNER BILLED FOR SERVICES/STORAGE	DATE WORK OR SERVICES COMPLETED	MY TOWING AND STORAGE WAS AUTHORIZED BY A PUBLIC AGENCY
12/20/07	12/26/07	01/28/08	☒ YES ☐ NO

The amount and basis for my lien and outstanding parking violation bail is:

STORAGE TO DATE	AT THE RATE OF	TOWING	REPAIRS	PRK VIOLATIONS-CVC 22851.1	COST TO CONDUCT LIEN SALE
$210.00	$30.00 PER DAY	$164.00	$	$	$35.00

This vehicle will be available for inspection at least one hour prior to the sale.

INFORMATION ABOUT THE SALE

DATE NOTICE OF SALE MAILED	DATE OF SALE	HOUR OF SALE
12/26/07	01/28/08	10:00 AM

LOCATION OF SALE (STREET ADDRESS)	CITY	STATE	ZIP CODE
4370 PACIFIC HIGHWAY	SAN DIEGO	CA	92110-

CERTIFICATION

I hearby certify under penalty of perjury under the laws of the State of California that the information entered by me on this document is true and correct and I have no information or belief that there is a valid defense to the claim which gives rise to the lien.

DATE	SIGNATURE OF LIENHOLDER OR AGENT ACTING FOR LIENHOLDER
12/26/07	X WESTERN TOWING by [signature]

LIENHOLDER (NAME)	TELEPHONE NO.	BUREAU OF AUTOMOTIVE REPAIR #
WESTERN TOWING	(619)297-8697	

ADDRESS	CITY	STATE	ZIP CODE
4370 PACIFIC HIGHWAY	SAN DIEGO	CA	92110-

AGENT ACTING FOR LIENHOLDER (NAME)	TELEPHONE NO.	REGISTRATION SERVICE NO.
	( )	

ADDRESS	CITY	STATE	ZIP CODE

DECLARATION OF OPPOSITION

(must be sent to DMV within 10 days of date notice of sale mailed)

TO: DEPARTMENT OF MOTOR VEHICLES
Please stop the lien sale of this vehicle because I wish to contest the claim of the lienholder. I understand the lienholder may file an action in court and if judgment is given in his/her favor, I may be liable for the court costs. The address at which I may be served or notified in person of any court action is:

PRINT TRUE FULL NAME	TELEPHONE NUMBER
	( )

ADDRESS	CITY	STATE	ZIP CODE

MAILING ADDRESS IF DIFFERENT FROM ABOVE

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE INFORMATION ENTERED BY ME ON THE DECLARATION HEREON ARE TRUE AND CORRECT.

DATE	SIGNATURE
	X

ATTENTION: This Declaration of Opposition will not be valid unless you have signed, provided your true full name and a valid address. If the lienholder is unable to serve you with a court action, he/she will be allowed to continue with the lien sale (Civil Code 3072).

REGISTERED OWNER

MOORE ANDREW JACKSON
OR MEYERS ANITA MARIE
7107 BROADWAY AVE 277
LEMON GROVE, CA 91945

LEGAL OWNER

Department of Motor Vehicles
Lien Sale Unit
P.O. Box 932317
Sacramento, CA 94232-3170

INTERESTED PARTIES

Certificate of Mailing PS Form 3877, Firm Mailing

Recycle

UNITED STATES POSTAGE PITNEY BOWES $ 12.60 02 1M 0004213599 DEC 26 200 MAILED FROM ZIPCODE 9211

NAME AND ADDRESS OF SENDER: WESTERN TOWING, 4370 PACIFIC HIGHWAY, SAN DIEGO, CA 92110-

MIDWAY P&DF SAN DIEGO CA 92186 DEC 26 2007 USPS

Line	Article	Name, Address, City, State, Zip	Postage	Fee	Reference
1	08-0151	CAMPBELL BRIAN M JOSEPH, 240 AVENIDO VISTA MONTANA, APT 6H, SAN CLEMENTE, CA 92672	0.41	0.35	PCH 250397
[redacted]	[redacted]	[redacted]	0.41	0.35	PCH 250470
3	08-0152	JOHNSON WESLEY R, 2140 BONITA ST, LEMON GROVE, CA 91945	0.41	0.35	PCH 250470
4	08-0153	REITHMAYR PETER, 1055 SECOND AVE, SAN DIEGO, CA 92101	0.41	0.35	PCH 250534
5	08-0154	RACINELLI ELISSA, 4230 SANTA CRUZ AVE, SAN DIEGO, CA 92107	0.41	0.35	PCH 250540
6	08-0155	LAU WAI WA, 113 W SAXON AVE, SAN GABRIEL, CA 91776	0.41	0.35	MM 250402
7	08-0155	TAN CHUN MIN, 822 NEW DEPOT ST #202, LOS ANGELES, CA 90012	0.41	0.35	MM 250402
[redacted]	[redacted]	[redacted]	0.41	0.35	MM 250403
9	08-0156	ARMENTA ANTHONY M, OR ARMENTA GENEVIEVE M, 78 GEORGE ST, SAN JOSE, CA 95110	0.41	0.35	MM 250403
10	08-0157	SHAMILOV LEV, PO BOX 122805, SAN DIEGO, CA 92112	0.41	0.35	MM 250485
11	08-0158	HACKETT STEPHEN BRENT, 7968D MISSION CENTER CT, SAN DIEGO, CA 92108	0.41	0.35	MG 250434
12	08-0159	SMITH MATTHEW ALEN, 43906 CARENTAN DR, TEMECULA, CA 92592	0.41	0.35	MG 250514
13	08-0160	COLLIER EDGAR T, 545 17TH ST, SAN DIEGO, CA 92101	0.41	0.35	MG 250525
[redacted]	[redacted]	[redacted]	0.41	0.35	LM 250384
15	08-0161	THORTON TERESA R, 1020 MALENE LN, EL CAJON, CA 92021	0.41	0.35	LM 250384
16	08-0162	MALONE PATRICK PAUL, 1835 GATEWAY DR, SAN DIEGO, CA 92105	0.41	0.35	BR 250388
[redacted]	[redacted]	[redacted]	0.41	0.35	BR 250405
18	08-0163	SAMBRANO KARINA, 3832 PEACH BLOSSOM ST, NATIONAL CITY, CA 91950	0.41	0.35	BR 250405
19	08-0164	MIKHAIL ANNE ANGHAM, 303 S MOLLISON AVE #4, EL CAJON, CA 92020	0.41	0.35	BR 250483
20	08-0165	RADOVAN APOLONIA SONGCUAN, OR RADOVAN JEFFREY SONGCUAN, 10181 MAYOR CIR, SAN DIEGO, CA 9212	0.41	0.35	BR 250506
21	08-0166	LICKERT LLOYD LEWIS, 3034 MCGRAW ST, SAN DIEGO, CA 92117	0.41	0.35	BR 250533
22	08-0168	GONZALEZ MARTHA, 4224 CAMINO DE LA PLZ, APT 26G, SAN YSIDRO, CA 92173	0.41	0.35	CV 250390
23	08-0170	SANCHEZ LUIS RAFAEL, 212 W ELM ST, COMPTON, CA 90220	0.41	0.35	CV 250391
24	08-0170	ESPINOZA JUAN JR, 851 REGULO PL 1135, CHULA VISTA, CA	0.41	0.35	CV 250391
[redacted]	[redacted]	[redacted]	0.41	0.35	CV 250392
26	08-0171	CURET ADRIAN CHRISTOPHER, USS NIMITZ CVN 68, FPO AP, CA 96620	0.41	0.35	CV 250392
27	08-0172	TRIMBLE MARTHA, 1268 IMPERIAL BEACH BLVD, APT 51, IMPERIAL BCH, CA 91932	0.41	0.35	CV 250412
28	08-0172	MONTEJANO FERNANDO, 1268 IMPERIAL BCH BLVD 51, IMPERIAL BCH, CA	0.41	0.35	CV 250412
29	08-0173	CAMACHO MARICELA G, 1085 12TH ST APT B, IMPERIAL BCH, CA 91932	0.41	0.35	CV 250437
30	08-0174	HERRERA LUIS/, HERRERA GUADALUPE E, 109 ALVARADO ST, CHULA VISTA, CA 91910	0.41	0.35	CV 250450
31	08-0175	LA AUTO SALVAGE, 7245 LAUREL CANYON BLVD, N HOLLYWOOD, CA 91605	0.41	0.35	CV 250484
32	08-0175	AVENDANO RAUL B, 482 W SAN YSIDRO BLVD, STE 1351, SAN YSIDRO, CA 92173	0.41	0.35	CV 250484
33	08-0175	RAMIREZ RAFAEL E, 1250 BARRETT LAKE APT D4, DULZURA, CA 91917	0.41	0.35	CV 250484
34	08-0175	VAZQUEZ MARIA MAGDALENA, 3030 SHELBY DR, NATIONAL CITY, CA 91950	0.41	0.35	CV 250484
[redacted]	[redacted]	[redacted]	0.41	0.35	CV 250484
[redacted]	[redacted]	[redacted]	0.41	0.35	CV 250490
37	08-0176	KING JAMES EDWARD ANTHONY, 3130 EMERSON DR, SAN DIEGO, CA 92106	0.41	0.35	CV 250490
38	08-0177	MOORE ANDREW JACKSON, OR MEYERS ANITA MARIE, 7107 BROADWAY AVE 277, LEMON GROVE, CA 91945	0.41	0.35	CV 250491
39	08-0178	VALENCIA LUCERO SOSA, 1137 BIRCH ST, CORONA, CA 92879	0.41	0.35	CV 250492
40	08-0178	GOMEZ JUAN JOSE, 1626 DEL SUE BLVD APT 101, SAN ISIDRO, CA	0.41	0.35	CV 250492
41	08-0179	STATE FARM MUTUAL AUTO INS, CO, 9675233, 2701 WATERFRONT RD, MARTINEZ, CA 94553	0.41	0.35	CV 250493
42	08-0179	MOTORES LA SIERRA, AVE 16 SEPT APT 903 LA SIERRA, TIJUANA MEXICO	0.41	0.35	CV 250493
[redacted]	[redacted]	[redacted]	0.41	0.35	CV 250495
44	08-0180	AMORES TONY A, 1517 ALBATA CT, SAN DIEGO, CA 92154	0.41	0.35	CV 250495

Number of Pieces Listed | Number of Pieces Received at Post Office | POSTMASTER, PER (Name of receiving employee)

EXHIBIT D

State of California - Business, Transportation, and Housing Agency ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF MOTOR VEHICLES

Lien Sale Section
P. O. Box 932317
Sacramento, CA 94232-3170
(916) 657-7617

JANUARY 15, 2008

WESTERN TOWING
4370 PACIFIC HIGHWAY

SAN DIEGO CA 92110

Vehicle Information	
License #: **5121BDP**	Make: **VOLVO**
VIN #: **YV1FA8842M2503546**	
Year Model: **1991**	
Engine #:	

Lienholder
WESTERN TOWING

Your request for a lien sale has been **denied** because we have received a Declaration of Opposition from:

ANDREW JACKSON MOORE
7107 BROADWAY AVE 277

LEMON GROVE CA 91945

A lien sale cannot be conducted unless:

1. You file a court action within 30 days from the date of this notice **and receive a court judgment in your favor.**

OR

2. The declarant signs the Release of Interest below, as required by Civil Code Section 3072.

OR

3. You could not serve the declarant pursuant to Civil Code 3072(e). If that was the case, **submit the following documents to the above address:**

   An application for Authorization to Continue Lien Sale After Unsuccessful Service (Reg 659).

   AND

   Either the unopened certified letter or court documents proving unsuccessful personal service.

RELEASE OF INTEREST LGW U-3 LS7

I understand I have the legal right to a hearing in court prior to any sale of the vehicle to satisfy the lien and that by signing this Release of Interest I am giving up my right to appear to contest the claim of the lienholder.

I hereby give up all legal and equitable interest I may have in the vehicle and hereby give my permission to the lienholder to sell it.

Date	Signature		
Print Your Name		Phone # ( )	
Address	City	State	Zip
License #: **5121BDP**	Make: **VOLVO**	VIN #: **YV1FA8842M2503546**	

EXHIBIT E

SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of
San Diego
8950 Clairemont Mesa Blvd
San Diego, CA 92123

Clerk fills in case number and case name.

Case Number:
37-2008-00000586-SC-SC-CTL

Case Name:
Western Towing vs. Moore

Notice to the person being sued:

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandando:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todos las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in (1) and (2) must go to court on: *(Clerk fills out section below.)*

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	03/18/2008	01:15:00 PM	KM-2	
2.				
3.				

Date: 02/04/2008 Clerk by, *Patti Leibenguth* Patti Leibenguth, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims),* to know your rights. Get SC-150 at any courthouse or county law library, or go to: *www.courtinfo.ca.gov/forms*
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving", or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Case Number: 37-2008-00000586-SC-SC-CTL

Plaintiff (list names): Western Towing

(1) **The Plaintiff (the person, business, or public entity that is suing) is:**

Name: Western Towing Phone: 619-297-8697

Street address: 4370 Pacific Highway, San Diego, CA 92110
Street City State Zip

Mailing address *(if different)*: ______
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: ______ Phone: ______

Street address: ______
Street City State Zip

Mailing address *(if different)*: ______
Street City State Zip

☐ *Check here If more than 2 Plaintiffs and attach Form SC-100A.*

☐ *Check here if either Plaintiff listed above is doing business under a fictitous name. If so, attach Form SC-103*

(2) **The Defendant (the person, business, or public entity being sued) is:**

Name: Andrew Jackson Moore Phone: ______

Street address: 7107 Broadway Avenue # 277, Lemon Grove, CA 91945
Street City State Zip

Mailing address *(if different)*: ______
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: ______ Phone: ______

Street address: ______
Street City State Zip

Mailing address *(if different)*: ______
Street City State Zip

☐ *Check here If more than 2 Defendants and attach Form SC-100A.*

☐ *Check here If any Defendant is on active military duty, write his or her name here:* ______

(3) **The Plaintiff claims the Defendant owes $** 2,499.00 . *(Explain below)*:

a. Why does the Defendant owe the Plaintiff money? Towing, storage and lien fees

b. When did this happen? *(Date)*: 12/20/2007

If no specific date, give the time period: *Date started:* ______ *Through:* ______

c. How did you calculate the money owed to you? *(Do not include court costs or fees for service.)*

Towing storage and lien fees

☐ *Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.*

(8)

Case Number:
37-2008-00000586-SC-SC-CTL

Plaintiff *(list names)*: Western Towing

(4) **You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.**
Have you done this? [X] Yes [ ] No
if no, explain why not: ______

(5) **Why are you filing your claim at this courthouse?**
This courthouse covers the area *(check the one that applies)*:

a. [X] (1) Where the Defendant lives or does business.
(2) Where the Plaintiff's property was damaged.
(3) Where the Plaintiff was injured.
(4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived or did business when the Defendant made the contract.

b. [ ] Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. *(Code Civ. Proc., § 395(b).)*

c. [ ] Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). *(Civil Code, § 1812.10.)*

d. [ ] Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. *(Civil Code, § 2984.4.)*

e. [ ] Other *(specify)*: ______

(6) **List the zip code of the place checked in (5) above** *(if you know)*: ______

(7) **Is your claim about an attorney-client fee dispute?** [ ] Yes [X] No
If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: [ ]

(8) **Are you suing a public entity?** [ ] Yes [X] No
If yes, you must file a written claim with the entity first. [ ] *A claim was filed on (date):* ______
If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

(9) **Have you filed more than 12 other small claims within the last 12 months in California?**
[ ] Yes [X] No *If yes, the filing fee for this case will be higher.*

(10) **I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

(11) I have not filed, and understand that I cannot file, more than two small claims cases for more than $2,500 in California during this calendar year.

I declare, under penalty of perjury under California State Law, that the information above and on any attachments to this form is true and correct.

Date: 02/04/2008 Western Towing ______
Plaintiff types or prints name here *Plaintiff signs here*

Date: ______ ______ ______
Second Plaintiff types or prints name here *Second Plaintiff signs here*

Requests for Accommodations
Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, *Request for Accommodations by Persons With Disabilities and Order. (Civil Code, § 54.8)*

SC-100 Information for the Defendant (the person being sued)

"Small claims court" is a special court where claims for $5,000 or less are decided. A "natural person" (not a business or public entity) may claim up to $7,500. The process is quick and cheap. The rules are simple and informal.
You are the Defendant -- the person being sued. The person who is suing you is the Plaintiff

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and any evidence that supports your case. And read "Get Ready for Court" at: *www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm*

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations.* Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: *www.courtinfo.ca.gov/forms*

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal.* You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration,* to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see: *www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm*

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107 and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim.* There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-110 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

? Need help?

Your county's Small Claims Advisor can help for free.

Hotline: (619) 236-2471
East Division: 250 East Main Street, El Cajon, CA 92020
Central Division: 8950 Clairemont Mesa Blvd, San Diego, CA 92123
North Division: 325 S. Melrose Drive, Vista, CA 92081
South Division: 500 3rd Ave, Chula Vista, CA 91910

Or go to "County-Specific Court Information" at: *www.courtinfo.ca.gov/selfhelp/smallclaims*

10

SC-100 Información para el demandado (la persona demandada)

La **"Corte de reclamos menores"** es una corte especial donde se deciden casos por $5,000 ó menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta $7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero *no puede* tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos, y cualquier pruebas que apoyan su caso. Y Lea "Prepárese para la corte" en: *www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm*

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations.* Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés?

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como minimo menos cinco dias antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solocitude de exención de cuotas y costos de la corte (formulario FW-001).

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en: *www.courtinfo.ca.gov/forms*

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación.* Tiene que presentarlo dentro de 30 días depués de la decisión del juez.
- Si *no* estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: *www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm*

¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, Reclamo del demandado. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (Tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Preguntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-110 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.

? **¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

Hotline: (619) 236-2471
East Division: 250 East Main Street, El Cajon, CA 92020
Central Division: 8950 Clairemont Mesa Blvd, San Diego, CA 92123
North Division: 325 S. Melrose Drive, Vista, CA 92081
South Division: 500 3rd Ave, Chula Vista, CA 91910

O vea "Información por condado" en: *www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores*

EXHIBIT F

08/28/2008 14:43 FAX 6192975805 WESTERN-TOWING-PCH 006/009

4.25.08 0745

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- [x] KEARNY MESA BRANCH, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123-1187, (858) 694-2066
- [ ] NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6635 (760), 726-9595
- [ ] EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941, (619) 441-4100
- [ ] RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200, (760) 738-2435
- [ ] SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5648, (619) 691-4439

FOR COURT USE ONLY

2008 FEB 29 PM 1:30

Can # 08-0177

PLAINTIFF(S)
WESTERN TOWING

DEFENDANT(S)
ANDREW JACKSON MOORE

CURRENT TRIAL DATE AND TIME:
3/18/2008

REQUEST FOR RESET OR CONTINUANCE OF SMALL CLAIMS TRIAL

CASE NUMBER
37-2008-00000586-SC-SC-CT

37-2008-00000586-SC-SC-CT

IMPORTANT NOTICES

RESET - The plaintiff requests a **RESET** of the trial date when the defendant **has not been served** with the claim. No fee is required. The first request for reset must be filed with the court at least **two court days before the trial** date and is automatically granted in the clerk's office. Any subsequent reset requests must be made on the new trial date before the bench officer.

CONTINUANCE – A **CONTINUANCE** is requested by either the plaintiff or the defendant **after service** has been effected on the defendant and proof of service has been filed with the court. A written request for the continuance must be filed with the court at least **ten calendar days before the trial** date and must be accompanied by a $10.00 fee and proof that a copy of the request was mailed to the opposing party. The court will notify the opposing party of the new trial date by mail. Any requests for continuance received **less than ten calendar days before the hearing** will be attached to the case file for consideration on the trial date.

INSTRUCTIONS: Complete Sections I, II, and III below and give this form to the clerk

Section I: PLAINTIFF'S NAME AND ADDRESS
WESTERN TOWING
4370 PACIFIC HWY
SAN DIEGO CA 92110

- [ ] Additional Plaintiffs listed on the reverse side of form.

Section II: DEFENDANT'S NAME AND ADDRESS
ANDREW JACKSON MOORE
7107 BROADWAY AVE 277
LEMON GROVE CA 91945

- [ ] Additional Defendants listed on the reverse side of form.

Section III: *(Check one)*

- [ ] REQUEST FOR RESET: I am the plaintiff in the above action and the defendant(s) has not been served. Please reset my court date. I understand that it is my responsibility to serve the defendant(s) in the manner provided under CCP section 116.340.

- [x] REQUEST FOR CONTINUANCE: I am the [x] plaintiff [x] defendant in the above action and request a continuance of my small claims trial. A copy of this request was [x] mailed [ ] personally delivered to each of the other parties in this case on *(date):* at the address listed above as required by CCP§116.570(a)(3). I understand that the $10.00 fee is due now.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

619 750-1490 — Telephone Number
Andrew Jackson Moore — Signature

Section IV: *(for court use only)* **NOTICE OF NEW TRIAL DATE**

The above-named small claims case to which you are a party has been set for a new date of trial as follows:

Trial Date: April 25, 08 at 7:45 A.M. ~~P.M.~~ in Department Two (2).

The place of trial will be at the court address indicated above.

CLERK'S CERTIFICATE OF SERVICE BY MAIL (CCP 1013a(4))

I certify that I am not a party to the above-entitled cause and that I deposited a copy of the foregoing in the United States mail with postage prepaid at San Diego California, in a sealed envelope addressed to the parties shown above on FEB 29 2008

CLERK OF THE SUPERIOR COURT

by [signature] **P.E. PORTACIO**, Deputy

SDSC SC-34(Rev. 5-04)

EXHIBIT G

SC-130

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
8950 Clairemont Mesa Blvd
8950 Clairemont Mesa Blvd
San Diego, CA 92123

SMALL CLAIMS CASE NO: 37-2008-00000586-SC-SC-CTL

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:
Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:
Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE (Name,street address, and telephone number of each):
Sunbelt Towing, Inc.
4370 Pacific Highway
dba Western Towing
San Diego, CA 92110
Telephone No: (619) 297-8697

DEFENDANT/DEMANDADO (Name,street address, and telephone number of each):
Andrew Jackson Moore
1107 Broadway Avenue #277
Lemon Grove, CA 91945
Telephone No:

[Stamp:] accepts for value this Order and all related endorsements, returned back, in accordance with Uniform Commercial Code and House Joint Resolution 192 of June 5, 1933
JUNE 13, 2008
Andrew Jackson Moore

☐ See attached sheet for additional plantiffs and defendants:

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on (*date*): 04/25/2008

1. ☒ Defendant (*name, if more than one*): Andrew Jackson Moore
shall pay plaintiff (*name, if more than one*): Sunbelt Towing, Inc. DBA Western Towing
$2499.00 principal and: $80.00 costs on plaintiff's claim.
2. ☐ Defendant does not owe plaintiff any money on plaintiff's claim.
3. ☐ Plaintiff (*name, if more than one*):
shall pay defendant (*name, if more than one*):
principal and: costs on defendant's claim.
4. ☐ Plaintiff does not owe defendant any money on defendant's claim.
5. ☐ Possession of the following property is awarded to plaintiff (*describe property*):
6. ☐ Payments are to be made at the rate of: $: per (*specify period*): , beginning on (*date*): and on the (*specify day*): day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
7. ☐ Dismissed in court ☐ with prejudice ☐ without prejudice.
8. ☐ *Attorney-Client Fee Dispute* (*Attachment to Notice of Entry of Judgment*) (form SC-132) is attached.
9. ☐ Other (*specify*):
10. ☐ This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's driver's license suspended.
11. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
12. ☐ This notice was personally delivered to (*insert name and date*):
13. CLERK'S CERTIFICATE OF MAILING - I certify that I am not a party to this action. This *Notice of Entry of Judgment* was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: San Diego, California

Date of mailing: 05/12/2008 Clerk, by M. Turner, Deputy

—The county provides Small Claims Advisor services free of charge. Read the information sheet on the reverse.—

Form Adopted for Mandatory Use
Judicial Council of California
SC-130 [Rev. January 1, 2007]

NOTICE OF ENTRY OF JUDGMENT
(Small Claims)

Cal. Rules of Court, rule 982.7;
Code of Civil Procedure, § 116.610

CERTIFIED MAIL 7003 1680 0005 5841 2022

MAIL TO THE JUDGMENT CREDITOR
DO NOT FILE WITH THE COURT

SC-133

JUDGMENT CREDITOR (the person or business who won the case) *(name)*:

JUDGMENT DEBTOR (the person or business who lost the case and owes money) *(name)*:

SMALL CLAIMS CASE NO.:

accepts for value this presentment and all related endorsements, front and back, in accordance with Uniform Commercial Code 3-419 and House Joint Resolution 192 of June 5, 1933.

NOTICE TO JUDGMENT DEBTOR: You *must* (1) pay the judgment or (2) appeal or (3) file a motion to vacate. If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.	**AVISO AL DEUDOR POR FALLO JUDICIAL: Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad.** Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.

INSTRUCTIONS

The small claims court has ruled that you owe money to the judgment creditor.

1. You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
   a. If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130) was mailed or handed to you by the clerk.
   b. If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you. The judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
2. Unless you **pay the judgment or appeal the judgment or file a motion to vacate, you must fill out this form and mail it to the person who won the case** within **30 days** after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk. Mailing this completed form does not stay enforcement of the judgment.
3. If you lose your appeal or motion to vacate, you must pay the judgment, including postjudgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
4. Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

a. ☐ *(Corporation or partnership)* Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.

b. ☐ *(Governmental agency)* Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

JUDGMENT DEBTOR'S STATEMENT OF ASSETS

EMPLOYMENT

1. What are your sources of income and occupation? *(Provide job title and name of division or office in which you work.)*
2. a. Name and address of your business or employer *(include address of your payroll or human resources department, if different)*:

   b. If not employed, names and addresses of all sources of income *(specify)*:
3. How often are you paid?
   ☐ daily ☐ every two weeks ☐ monthly
   ☐ weekly ☐ twice a month ☐ other *(explain)*:
4. What is your gross pay each pay period? $
5. What is your take-home pay each pay period? $
6. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office *(specify)*:

EXHIBIT H

Sunbelt vs Moore 8-8-08

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 220 West Broadway
MAILING ADDRESS: 220 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-5039

PLAINTIFF(S) / PETITIONER(S): Sunbelt Towing, Inc.

DEFENDANT(S) / RESPONDENT(S): Andrew Jackson Moore

WESTERN TOWING VS. MOORE

NOTICE OF HEARING	CASE NUMBER: 37-2008-00000586-SC-SC-CTL

Notice is given that the above-entitled case has been set for the reason listed below and at the location shown above. All inquiries regarding this notice should be referred to the court listed above.

TYPE OF HEARING	DATE	TIME	DEPT	JUDGE
Trial De Novo	08/08/2008	08:30 am	C-39	William H. Kronberger

FILED
Clerk of the Superior Court
AUG 08 2008
BY J. Booker

DATA SHEET FOR SMALL CLAIMS APPEALS

EACH PARTY MUST PROVIDE THE FOLLOWING INFORMATION
PLEASE WRITE LEGIBLY

CALENDAR NO. 1 SUPERIOR COURT CASE NO. 37-2008-00000586-SC-SC CTL

TIME ESTIMATE FOR HEARING: 30 MINUTES

NAME OF PARTY (INDIVIDUAL OR BUSINESS): ANDREW JACKSON MOORE

ADDRESS / P.O. BOX: 7107 BROADWAY AVE 277

CITY / STATE ZIP CODE: LEMON GROVE CALIF 91945

PHONE NUMBER: (619) 750-1490

NAME OF ATTORNEY (ATTACH BUSINESS CARD):

FULL NAME OF ALL WITNESSES:

LIST AND DISCRIBE ALL EXHIBITS
(Example: Ex.1 - lease dated 4/12/05, Ex.2 - Photo of damaged wall)

(1) NOTICE OF REMOVAL OF CASE 37-2008-00000586-SC-SC-CTL TO FEDERAL DISTRICT COURT CASE # 08 CV 1437 WQH BLM.

(2) "NOTICE OF VISITATION"

(3) ORIGINAL FILING OF SMALL

Andrew J. Moore
UCC 1-207.7

EXHIBIT I

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED

I. (a) PLAINTIFFS SUNBELT TOWING, INC DBA WESTERN TOWING

DEFENDANTS ANDREW JACKSON MOORE

08 AUG -7 PM 4:19

CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant SAN DIEGO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

DEPUTY

'08 CV 1437 WQH BLM

(c) Attorney's (Firm Name, Address, and Telephone Number)
4370 PACIFIC HIGHWAY SAN DIEGO CA 92110

Attorneys (If Known)
7107 BROADWAY AVE 277 LEMON GROVE CA 91945

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**): 28 USC 1446-41 Section 576
Brief description of cause:

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ____ DOCKET NUMBER ____

DATE Aug 6, 2008 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ____ AMOUNT ____ APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____

Andrew Jackson Moore 8-6-2008

(1)

Andrew Moore
7107 Broadway Ave
Lemon Grove Ca 91945

FILED
2008 AUG -7 PM 4:19
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ________ DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC DBA WESTERN TOWING	) Case No. '08 CV 1437 WQH BLM
	) Notice of Removal State Court Civil Proceeding
	) Case No.
	) 28 U.S.C. 1441-(46)
Plaintiffs	) All Parties have been currently Served
v	)
Andrew Moore	)
Defendants/ Respondents	)

NOTICE TO ALL PARTIES,

PLEASE TAKE NOTICE

State Court Claim listed in the above has and will be moved to the United States District Court, Southern District of California, to this Court. All parties have been served pursuant to **TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE PART IV—JURISDICTION AND VENUE CHAPTER 89—DISTRICT COURTS; REMOVAL OF CASE FROM STATE COURT. Sec. 1441-(6)** procedure for removal. (a) A defendant or defendants desiring to remove any civil action from a State court shall file in the District

(2)

Court of the United States for the state Division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action. Notice is hereby given that defendants Andrew Moore inclusive hereby remove this action from the Superior Court of California, County of San Diego to the United States District Court, Southern District of California. Due to the Original Jurisdiction Granted to Article III District Court of the United States , and the 7th Amendment mention any controversy over The grounds for removal are as follows:

a) Andrew Moore inclusive $20.00 Shall be Granted under the rules of the Common Law vs the Plaintiff Claim of Relief under **special Maritime Extra-territory Jurisdictional Proceeding or some contract of Affreightment** under the gold Fringe Flag, for this reason the respondents in the above-entitled civil action Removal filed in the Superior Court of California, County of San Diego, Central Division Case No. .

In addition, the amount in controversy as to the claims of both parties exceeds $ 20.00 exclusive of interest and costs, in that defendant claims actual damages in excess of $ 20.00 (Twenty Dollar) treble damages and punitive damages with respect to each of three causes of action. Moreover, state National and Does 1 to 6 inclusive are informed and believe base thereupon allege that the cost to Andrew Moore of the equitable and injunctive relief requested by plaintiff exceeds the sum of $20,00 exclusive of interest and costs.

Dated: Aug. 6, 2008

Henceforth Submitted

Andrew Moore 4CC 1-207.7

Andrew Moore

" All Right Reserved"

(3)

EXHIBIT J

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 220 West Broadway
MAILING ADDRESS: 220 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 450-5039

PLAINTIFF(S) / PETITIONER(S): Sunbelt Towing, Inc.

DEFENDANT(S) / RESPONDENT(S): Andrew Jackson Moore

WESTERN TOWING VS. MOORE

NOTICE OF RESCHEDULED HEARING	CASE NUMBER: 37-2008-00000586-SC-SC-CTL

Notice is given that the hearing in the above-entitled case has been rescheduled from 08/08/2008 08:30 AM to date and time shown below. All inquiries regarding this notice should be referred to the court listed above.

TYPE OF HEARING	DATE	TIME	DEPT	JUDGE
Trial De Novo	10/03/2008	08:30 am	C-39	William H. Kronberger

ATTN:
Michelle Morelli

EXHIBIT K

U.S. Party/Case Index

All Types Name Search Results

35 Total Party matches for selection MOORE, ANDREW for CALIFORNIA
Search Complete
Mon Sep 1 14:48:36 2008
Selections 1 through 35 (Page 1)

Download (1 pages $ 0.00)

Bankruptcy Cases

Name	Court	Case No.	Filed	Chapter
1 MOORE, ANDREW	casbke	00-00332	01/13/2000	13
ANDREW MOORE				
2 MOORE, ANDREW	casbke	02-00939	01/29/2002	7
ANDREW J. MOORE				
3				
4 MOORE, ANDREW	casbke	95-13335	12/04/1995	13
ANDREW MOORE				
5 MOORE, ANDREW	casbke	99-35575	11/29/1999	13
ANDREW MOORE				
6				
7				
8				
9				
10 MOORE, ANDREW J	casbke	88-08361	10/28/1988	13
ANDREW J MOORE AND DEBRA J MOORE				
11 MOORE, ANDREW J.	casbke	02-00939	01/29/2002	7
ANDREW J. MOORE				
12 MOORE, ANDREW J.	casbke	00-02009	02/28/2000	13
ANDREW J. MOORE				
13 MOORE, ANDREW J.	casbke	02-90539	11/22/2002	AP
UNITED STATES TRUSTEE AND MOORE				
14 MOORE, ANDREW J.	casbke	02-90539	11/22/2002	AP
UNITED STATES TRUSTEE AND MOORE				
15 MOORE, ANDREW JACKSON	casbke	98-07061	05/15/1998	13

ANDREW JACKSON MOORE

16

17

Civil Cases

Name	Court	Case No.	Filed	NOS	Closed
18 MOORE, ANDREW	casdce	3:2007cv00763	04/25/2007	230	05/03/2007
CIP Venture v. COA Financial Group LLC et al					
19 MOORE, ANDREW	casdce	3:2008cv01437	08/07/2008	550	
Sunbelt Towing, Inc. v. Moore					
20					
21					
22					
23					
24 MOORE, ANDREW J	casdce	3:1998cv00038	03/06/1998	220	03/06/1998
Eric Hanigan Trust v. Moore					
25 MOORE, ANDREW J	casdce	3:2002cv00937	05/13/2002	440	08/14/2002
Moore v. National City					
26 MOORE, ANDREW J	casdce	3:2002cv01075	06/03/2002	290	12/10/2002
Moore v. Bank of New York					
27 MOORE, ANDREW J	casdce	3:2001cv01356	07/25/2001	290	08/21/2001
Vargas, et al v. Espinoza, et al					
28 MOORE, ANDREW J	casdce	3:2007cv01953	10/05/2007	440	10/12/2007
People of the State of California v. Moore					
29 MOORE, ANDREW J	casdce	3:2007cv02059	10/29/2007	440	11/02/2007
People of the State of California v. Moore					
30 MOORE, ANDREW J	casdce	3:2007cv02384	12/19/2007	440	05/08/2008
People of the State of California v. Moore					
31 MOORE, ANDREW J.	casdce	3:2007cv02253	11/28/2007	440	04/09/2008
Moore v. Tran et al					
32 MOORE, ANDREW JACKSON	casdce	3:1998cv00338	02/20/1998	220	04/21/1998
Moore v. Nationsbanc Mortgage					
33 MOORE, ANDREW JACKSON	casdce	3:1998cv00434	03/02/1998	220	03/13/1998
Moore v. Hanigan, et al					
34 MOORE, ANDREW JACKSON	casdce	3:1998cv01561	08/27/1998	422	10/16/1998
Hanigan v. Moore, et al					

35 MOORE, ANDREW JACKSON casdce 3:1998cv01561 08/27/1998 422 10/16/1998
Hanigan v. Moore, et al

PACER Service Center			
Transaction Receipt			
09/01/2008 14:48:36			
PACER Login:	fm1670	**Client Code:**	
Description:	All Types srch pg 1	**Search Criteria:**	MOORE, ANDREW
Billable Pages:	1	**Cost:**	0.08

U.S. Party/Case Index - Home

Search: All Court Types | Appellate | Bankruptcy | Civil | Criminal
Reports: Court Code List | Date Range | Courts not on Index | Statistical Reports
User Options: Change Client Code | New Login | Billing History | PSC Home Page | E-Mail PSC | Logout

Help

Appellate Cases

310

311

312

313

314

315

316

317

318

319

320

321

322

323 MOORE, ANDREW J. MOORE, et al	09bap	04-1040	01/26/2004	1	04/23/2004
324 MOORE, ANDREW J. MOORE, et al	9bap	04-1040	01/26/2004	1	04/23/2004

Previous 54 Next 15

PACER Service Center			
Transaction Receipt			
09/01/2008 15:09:35			
PACER Login:	fm1670	**Client Code:**	
Description:	All Types srch pg 6	**Search Criteria:**	MOORE, ANDREW

U.S. Party/Case Index

All Types Name Search Results

339 Total Party matches for selection MOORE, ANDREW for ALL COURTS
Search Complete

Mon Sep 1 15:04:41 2008

Selections 325 through 339 (Page 7)

Download (7 pages $ 0.00)

Previous 54

Appellate Cases

325	MOORE, ANDREW J. MOORE, et al v. US TRUSTEE	09bap	04-1320	06/28/2004	1	10/06/2004
326	MOORE, ANDREW J. MOORE, et al v. US TRUSTEE	9bap	04-1320	06/28/2004	1	10/06/2004
327	MOORE, ANDREW J. MOORE	09bap	02-1454	08/20/2002	1	10/15/2002
328	MOORE, ANDREW J. MOORE	9bap	02-1454	08/20/2002	1	10/15/2002
329	MOORE, ANDREW J. MOORE, et al	09bap	03-1463	09/08/2003	1	04/23/2004
330	MOORE, ANDREW J. MOORE, et al	9bap	03-1463	09/08/2003	1	04/23/2004
331	MOORE, ANDREW J. MOORE, et al v. U.S. TRUSTEE	09bap	04-1479	09/27/2004	1	11/08/2004
332	MOORE, ANDREW J. MOORE, et al v. U.S. TRUSTEE	9bap	04-1479	09/27/2004	1	11/08/2004
333	MOORE, ANDREW J. VARGAS, et al v. MOORE, et al	09cae	01-56551	09/11/2001	3290	10/23/2001
334	MOORE, ANDREW J. PEOPLE OF THE ST. CA v. MOORE	09cae	07-56712	11/28/2007	3440	02/20/2008
335	MOORE, ANDREW JACKSON MOORE, et al v. HANIGAN	09bap	98-1526	07/27/1998	1	08/24/1998
336	MOORE, ANDREW JACKSON MOORE, et al v. HANIGAN	9bap	98-1526	07/27/1998	1	08/24/1998
337	MOORE, ANDREW JACKSON MOORE v. HANIGAN, et al	09cae	98-55713	04/23/1998	3220	05/20/1998
338	MOORE, ANDREW JACKSON HANIGAN v. MOORE	09cae	98-55715	04/24/1998	3220	05/20/1998
339						

Previous 54

EXHIBIT L

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**MOORE vs MOORE**			
Case Number:	**D31105956**	Case Location:	**San Diego**	File Location
Case Type:	**Domestic**	Date Filed:	**09/24/1990**	
Category:	**A55201**	**Dissolution of Marriage**		

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
MOORE	**DEBRA J**	**P**

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW J**	**P**

Microfilm

Microfilm ID	Location	Reel Number	Frame Number
This case has not been microfilmed.			

Superior Court of California, County of San Diego

Court Index Home | Previous Page | New Case Number Search | Print

View Case Detail

Case Title:	**CABRILLO FEDERAL CREDIT UNION vs MOORE**			
Case Number:	**S592001**	Case Location:	**Kearny Mesa**	File Location
Case Type:	**Civil**	Date Filed:	**11/18/1992**	
Category:	**A11201**	**Small Claims**		

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
CABRILLO FEDERAL CREDIT UNION		**P**

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
MOORE	**DEBRA**	**P**
MOORE	**ANDREW**	

Microfilm

Microfilm ID	Location	Reel Number	Frame Number
This case has not been microfilmed.			

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**DIEDERICH vs MOORE**		
Case Number:	**EC14487**	Case Location: **East County**	File Location
Case Type:	**Civil**	Date Filed:	**03/21/1997**
Category:	**A61710**	**Prohibit Civil Harassment**	

Plaintiff/Petitioner		
Last Name or Business Name	First Name	Primary (P)
DIEDERICH	**BARBARA**	**P**

Defendant/Respondent		
Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW**	**P**
MYERS	**ANITA B.**	

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
This case has not been microfilmed.			

Superior Court of California, County of San Diego

Court Index Home | Previous Page | New Case Number Search | Print

View Case Detail

Case Title:	**MOORE vs NATIONSBANC MORTGAGE CORPORATION**			
Case Number:	**712106**	Case Location:	**San Diego**	File Location
Case Type:	**Civil**	Date Filed:	**07/03/1997**	
Category:	**A60608**	**Injunction**		

Plaintiff/Petitioner		
Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW JACKSON**	**P**

Defendant/Respondent		
Last Name or Business Name	First Name	Primary (P)
NATIONSBANC MORTGAGE CORPORATION		**P**
UNIFIED MORTGAGE/NATIONSBANC		

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
1	**SD-OREC**	**10259**	**0006**

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**MOORE vs NATIONSBANC**			
Case Number:	**714223**	Case Location:	**San Diego**	File Location
Case Type:	**Civil**	Date Filed:	**09/19/1997**	
Category:	**A60608**	**Injunction**		

Plaintiff/Petitioner		
Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW JACKSON**	**P**

Defendant/Respondent		
Last Name or Business Name	First Name	Primary (P)
NATIONSBANC		**P**
NATIONSBANC MORTGAGE CORPORATION		**P**

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
1	**SD-OREC**		

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**MOORE vs NATIONSBANC MORTAGE CORPORATION**			
Case Number:	**714363**	Case Location:	**San Diego**	File Location
Case Type:	**Civil**	Date Filed:	**09/25/1997**	
Category:	**A60408**	**Quiet Title**		

Plaintiff/Petitioner		
Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW JACKSON**	**P**

Defendant/Respondent		
Last Name or Business Name	First Name	Primary (P)
NATIONSBANC MORTAGE CORPORATION		**P**
NATIONSBANC MORTGAGE CORPORATION		**P**

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
1	**SD-OREC**		

Superior Court of California, County of San Diego

Court Index Home **Previous Page** **New Case Number Search** **Print**

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Case Title:	**MOORE vs MUNICIPAL COURT OF CALIFORNIA, SAN DIEGO JUDICIAL DISTRICT**			
Case Number:	**720392**	Case Location:	**San Diego**	File Location
Case Type:	**Civil**	Date Filed:	**05/05/1998**	
Category:	**A61707**	**Writs of Mandamus, Prohib.**		

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW J**	**P**
ANDREW J MOORE AND ASSOCIATES		

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
MUNICIPAL COURT OF CALIFORNIA, SAN DIEGO JUDICIAL DISTRICT		**P**
HANIGAN	**ERIC**	
KELTON TRUST		

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Microfilm ID	Location	Reel Number	Frame Number
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Superior Court of California, County of San Diego

Court Index Home **Previous Page** **New Case Number Search** **Print**

View Case Detail

Case Title:	**HANIGAN vs MOORE**			
Case Number:	**724703**	Case Location:	**San Diego**	File Location
Case Type:	**Civil**	Date Filed:	**10/07/1998**	
Category:	**A68611**	**Appeals (Civil)**		

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
HANIGAN	**ERIC**	**P**
KELTON TRUST 6/18/97		

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW J**	**P**

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Microfilm ID	Location	Reel Number	Frame Number
1	**SD-OREC**		

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**VARGAS vs ESPINOZA**			
Case Number:	**GIE005307**	Case Location:	**East County**	File Location
Case Type:	**Civil**	Date Filed:	**01/24/2001**	
Category:	**A60305**	**Mechanic's Lien Foreclosure**		

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
VARGAS	SERGIO	P
CALIFORNIA HOUSING FINANCE AGENCY		

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
ESPINOZA	LUCIA	P
ALLEN	RAUL	
ALLEN	RAUL, TRUSTEE	
MOORE	ANDREW	
SIMON	TONY	
SIMON	TONY, TRUSTEE OF THE NORMA SIMON TRUST	

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Microfilm ID	Location	Reel Number	Frame Number

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Superior Court of California, County of San Diego

Court Index Home **Previous Page** **New Case Number Search** **Print**

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Case Title:	**DEFENDANT ANDREW JACKSON MOORE**			
Case Number:	**SCD209248**	Case Location:	**San Diego**	File Location
Case Type:	**Criminal**	Date Filed:	**09/27/2007**	

Defendant			
Last Name	First Name	AKA	DA Number
MOORE	**ANDREW JACKSON**		**ACC99801**

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
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Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title:	**HANIGAN vs MOORE**		
Case Number:	**U064630**	Case Location:	**San Diego**
Case Type:	**Civil**	Date Filed:	**12/05/1997**
Category:	**A60532**	**Unlawful Detainer - Residential**	

File Location

Plaintiff/Petitioner

Last Name or Business Name	First Name	Primary (P)
HANIGAN	**ERIC**	**P**

Defendant/Respondent

Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW J**	**P**
BLEECKER	**ANITA M**	

Microfilm

Microfilm ID	Location	Reel Number	Frame Number

This case has not been microfilmed.

Superior Court of California, County of San Diego

Court Index Home Previous Page New Case Number Search Print

View Case Detail

Case Title: **WESTERN TOWING VS. ANDREW JACKSON MOORE**
Case Number: **37-2008-00000586-SC-SC-CTL** Case Location: **Kearny Mesa** File Location
Case Type: **Civil** Date Filed: **02/04/2008**
Category: **SC-SC** **Small Claims**

Plaintiff/Petitioner		
Last Name or Business Name	First Name	Primary (P)
SUNBELT TOWING, INC		**P**

Defendant/Respondent		
Last Name or Business Name	First Name	Primary (P)
MOORE	**ANDREW JACKSON**	**P**

Microfilm			
Microfilm ID	Location	Reel Number	Frame Number
This case has not been microfilmed.			

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Attorneys for Plaintiff and Respondent,
SUNBELT TOWING, INC. dba WESTERN TOWING

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC. dba WESTERN TOWING, Plaintiff and Respondent, v. ANDREW JACKSON MOORE, Defendant and Movant.	Case No. 08 CV 1437 WQH BLM Judge: Hon. William Q. Hayes Dept.: 4 **CERTIFICATE OF SERVICE** Notice of Removal: August 7, 2008 **Person Served: Andrew Jackson Moore** **Date Served: September 5, 2008**

I, CHRISTINA BOYD, declare:

I am employed in the City and County of San Diego, State of California the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Fredrickson, Mazeika & Grant, LLP, 5720 Oberlin Drive, San Diego, CA 92121.

On **September ~~1~~ 5th CB, 2008**, I served the following documents:

1. PLAINTIFF SUNBELT TOWING, INC. DBA WESTERN TOWING'S NOTICE OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES;
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES;

3. DECLARATION OF MICHELLE I. MORELLI IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES;
4. DECLARATION OF LOU DUCHENE IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES;
5. PLAINTIFF, SUNBELT TOWING, INC. dba WESTERN TOWINGS'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES;
6. PLAINTIFF, SUNBELT TOWING, INC. dba WESTERN TOWING'S INDEX OF EXHIBITS IN SUPPORT OF MOTION FOR REMAND TO STATE COURT CIVIL PROCEEDING CASE NO. 37-2008-00000586-SC-SC-CTL; REQUEST FOR SANCTIONS, COSTS & FEES

in the following manner:

[X] **(BY OVERNIGHT DELIVERY)** By depositing copies of the above document(s) in a drop-box or other facility regularly maintained by OVERNITE EXPRESS, in an envelope or package designed by checked service with delivery fees pre-paid or provided for delivery to the party(s) named above or on the service list.

on the following person(s) and/or entity(ies):

ANDREW JACKSON MOORE, 7107 BROADWAY #277, LEMON GROVE, CA 91945

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration is executed this 5th day of September 2008.

CHRISTINA BOYD